

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Noel Mejia-Aguilar,
a.k.a.; Noel Mejia,
(A201 157.136)Defendant)

Case No. 11-3310M)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date of June 5, 2011, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Noel Mejia-Aguilar, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about April 7, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Sections 1326(a) and enhanced by (b)(1).


I further state that I am an Immigration Enforcement Agent.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

 AUTHORIZED BY: E. Whiffen, P.S. for AUSA Jane E. McLaughlin


☒ Continued on the attached sheet.


Complainant's signature

Fabian Garcia, Immigration Enforcement Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: June 21, 2011


Judge's signature

City and state: Phoenix, Arizona

Lawrence O. Anderson,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Fabian Garcia, being duly sworn, hereby depose and state as follows:

1. Your affiant is an Immigration Enforcement Agent with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On June 5, 2011, Noel Mejia-Aguilar was arrested by the Glendale Police Department and booked into the Maricopa County Jail on local charges. While incarcerated at the Maricopa County Jail, Mejia-Aguilar was examined by Sheriff's officers designated with the authority to determine alienage under the Immigration and Nationality Act, Section 287(g). Sheriff's officers determined Mejia-Aguilar to be an Honduran citizen, unlawfully present in the United States. On the same date, an immigration detainer was lodged on Mejia-Aguilar with the county jail. On June 20, 2011, Mejia-Aguilar was released to ICE custody and transported to the Phoenix ICE office for further investigation and processing.
3. Immigration history checks revealed Noel Mejia-Aguilar to be a citizen of Honduras and a previously deported alien. Mejia-Aguilar was removed from the United States to Mexico at or near Nogales, Arizona, on or about April 7, 2011, pursuant to a final

order of removal issued by an immigration judge. There is no record of Noel Mejia-Aguilar in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Mejia-Aguilar's immigration history was matched to him by electronic fingerprint comparison.

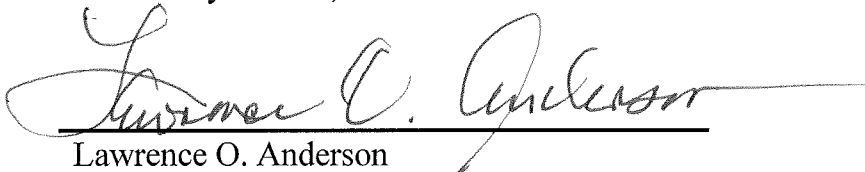
4. Criminal history checks revealed that Noel Mejia-Aguilar was convicted of Possession of Drug Paraphernalia, a felony offense, on March 23, 2011, in the Superior Court of Arizona, Maricopa County. Mejia-Aguilar was sentenced to eighteen (18) months probation. Mejia-Aguilar's criminal history was matched to him by electronic fingerprint comparison.
5. On June 20, 2011, Noel Mejia-Aguilar was advised of his constitutional rights. Mejia-Aguilar invoked his constitutional rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about June 5, 2011, Noel Mejia-Aguilar, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or

near Nogales, Arizona, on or about April 7, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Sections 1326(a) and enhanced by (b)(1).



Fabian Garcia,
Immigration Enforcement Agent,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 21st day of June, 2011.



Lawrence O. Anderson
United States Magistrate Judge